IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20684 of 2004

Between:

J. Balamuni S/o J.Muneppa,
R/o Vankarakunta (V&M), Nallamada, Anantapur District.

... PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, Rep. by its Vice Chairman & Managing Director, Mushirabad, Hyderabad.

2. Andhra Pradesh State Road Transport Corporation, Rep. by its Regional Manager, Anantapur Region, Anantapur District.

3. Andhra Pradesh State Road Transport Corporation, Rep. by its Depot Manager, Kadiri Depot, Kadiri, Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the Respondent No.3 in retiring the petitioner from service vide Proceedings No. P1/468(9)/2004/KDR, dated 10-9-2004, without following the provisions under Section 47 of Act 1 of 1996 Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is illegal arbitrary and unjust and in violation of Article 14, 16 and 21 of Constitution of India and consequently direct the respondent corporation to continue the petitioner in any suitable post or alternative post as per Section 47 of the Act 1 of 1996 Persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Counsel for the Petitioner: MR.B.SHIVA KUMAR
Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following:

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Oral Order:

The petitioner worked as a Driver in the respondent Corporation by entering into the service on 27-2-1999. He was declared medically invalid to continue as a Driver Grade-I and was retired from service on medical grounds through the proceedings dated 10-9-2004. The petitioner claims that he is entitled to get alternative employment under Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 ('the Act' for brevity). Since the respondents did not provide alternative employment, the petitioner approached this Court through this writ petition seeking a direction to the respondents to provide alternative employment.

In the light of the submissions made by the petitioner, the respondents are directed to examine the case of the petitioner regarding the extension of the benefit of Section 47 of the Act for providing alternative employment and pass appropriate orders within eight weeks from the date of receipt of this order. The writ petition is disposed of accordingly.

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(Dr.G. Yethirajulu, J)

09th November 2004

svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Vice Chairman & Managing Director, A.P.State Road Transport Corporation, Mushirabad, Hyderabad.

2. The Regional Manager, Andhra Pradesh State Road Transport Corporation, Anantapur Region, Anantapur District.

3. The Depot Manager, Andhra Pradesh State Road Transport Corporation, Kadiri Depot, Kadiri, Anantapur District.

4. Mr. B. Shivashankar, Advocate (OPUC)

5. Mr.P. Vinayakaswamy, Advocate (OPUC)

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